

It will be worthwhile to mention here that the

plaintiff's evidence was closed and the defendants could not get an opportunity to cross examine the plaintiff. The defendants' evidence also remained unrebutted.

Two courts below, after appreciation of the evidence, held that the plaintiff encroached upon the land of way as well as land of public chowk. The finding of fact is not vitiated by any reason and the appellant has not even placed on record the order by which the evidence of the plaintiff was closed.

In view of the above, I do not find any substantial question of law involved in this appeal, therefore, this appeal deserves to be dismissed, hence, dismissed.

(PRAKASH TATIA), J.

S.Phophaliya